

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 28811 of 2007(E)

PETITIONERS:

1. K.SUBHASH,  
KUNJIPARAMBIL HOUSE,  
VARAM P.O., KANNUR.

2. P.ANITHA,  
KUNJIPARAMBIL HOUSE,  
VARAM P.O., KANNUR.

BY ADV. SMT.I.SHEELA DEVI

RESPONDENTS:

1. JOINT REGISTRAR OF CO-OPERATIVE  
SOCIETIES, (GENERAL),KANNUR.

2. THE KANNUR CO-OPERATIVE HOUSE  
CONSTRUCTION SOCIETY LTD.NO.C 358,  
THALIKAVU, KANNUR REPRESENTED  
BY ITS SECRETARY.

3. ARBITRATOR/SPECIAL SALE OFFICER,  
KERALA STATE CO-OPERATIVE HOUSING FEDERATION  
OFFICE OF THE JOINT REGISTRAR  
OF CO-OPERATIVE SOCIETIES (GENERAL)  
KANNUR.

R1 & R3 BY GOVT. PLEADER SRI. P.K. RAVIKRISHNAN.  
R2 BY ADV. SRI.A.MOHAMED MUSTAQUE  
SRI. M.K.SUMOD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

WPC. 28811/2007.

## APPENDIX

### PETITIONERS' EXTS:

EXT. P1 : TRUE COPY OF THE RECEIPTS EVIDENCING THE INSTALMENTS DATED 3.10.2001.

EXT. P1(a) : TRUE COPY OF THE RECEIPTS EVIDENCING THE INSTALMENTS DATED 19.7.2002.

EXT. P1(b) : TRUE COPY OF THE RECEIPTS EVIDENCING THE INSTALMENTS DATED 27.7.2002.

EXT. P1(c) : TRUE COPY OF THE RECEIPTS EVIDENCING THE INSTALMENTS DATED 6.11.2002.

EXT. P1(d) : TRUE COPY OF THE RECEIPTS EVIDENCING THE INSTALMENTS DATED 23.7.2003.

EXT. P1 (e) : TRUE COPY OF THE RECEIPTS EVIDENCING THE INSTALMENTS DATED 10.10.2003.

EXT. P1 (f) : TRUE COPY OF THE RECEIPTS EVIDENCING THE INSTALMENTS DATED 29.3.2005.

EXT. P1 (g) : TRUE COPY OF THE RECEIPTS EVIDENCING THE INSTALMENTS DATED 9.9.2005.

EXT. P1 (h) : TRUE COPY OF THE RECEIPTS EVIDENCING THE INSTALMENTS DATED 6.7.2006.

EXT. P1 (i) : TRUE COPY OF THE RECEIPTS EVIDENCING THE INSTALMENTS DATED 19.9.2006.

EXT. P1 (j) : TRUE COPY OF THE RECEIPTS EVIDENCING THE INSTALMENTS DATED 19.4.2007.

EXT. P1(k) : TRUE COPY OF THE RECEIPTS EVIDENCING THE INSTALMENTS DATED 21.5.2007.

EXT. P2 : TRUE COPY OF THE AUCTION NOTICE DATED 10.7.2007 BY THE 3RD RESPONDENT.

EXT. P3 : TRUE COPY OF THE ORDER NO.4322/07/CRP(2) DATED 13.7.2007  
ISSUED BY THE 1ST RESPONDENT TO THE 2ND PETITIONER.

EXT. P4 : TRUE COPY OF THE ORDER DATED 18/9/2007 BY THE 2ND  
RESPONDENT TO THE 1ST PETITIONER.

**K.M.JOSEPH, J.**

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WP.(C) No.28811 of 2007  
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Dated this the 31st day of October, 2007

**JUDGMENT**

Petitioners availed loan. It was not repaid. Recovery steps were taken. Learned counsel for the petitioners submits that the petitioners may be permitted to pay off the amount due with interest in ten equal monthly instalments.

2. I heard learned counsel for the petitioners and the second respondent.

The writ petition is disposed of permitting the petitioners to pay off the amount due with interest in ten equal monthly instalments. The respondent will serve a statement on the petitioners showing the exact amount due from the petitioners within two weeks from today. The second respondent will also indicate in the communication to the petitioners the exact amount of instalments to be paid on the basis that the petitioners have to pay the amount with interest in ten equal monthly instalments. The first instalment shall be payable on or before 1.12.2007 and the further instalments on or before the first working day

of the succeeding months. If any single instalment is defaulted by the petitioners, they will lose the benefit of this judgment and it is open to the second respondent to proceed against the petitioners in accordance with law.

(K.M. JOSEPH, JUDGE)

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